

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-111 are currently pending, with Claims 58-111 withdrawn as directed to non-elected inventions. Claims 1, 29, 30, and 55-57 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Amendment filed December 13, 2004, was objected to under 35 U.S.C. §132 as introducing new matter; Claims 1-57 were rejected under 35 U.S.C. §112, first and second paragraphs regarding the “virtual information” limitation; Claims 1-7, 29-33, and 55-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,999,908 to Abelow (hereinafter “the ‘908 patent”) in view of U.S. Patent No. 6,012,051 to Sammon, Jr. et al. (hereinafter “the ‘051 patent”); Claims 8, 9, 11, 13, 17-24, 34, 35, 37, 39, and 43-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘908 and ‘051 patents, further in view of U.S. Patent No. 6,578,014 to Murcko, Jr. (hereinafter “the ‘014 patent”); Claims 10, 12, 14, 36, 38, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘908, ‘051, and ‘014 patents, further in view of the Palmer reference (“Fancy Labels, Plain Prices”); Claims 15, 16, 41, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘908, ‘051, and ‘014 patents, further in view of U.S. Patent No. 6,012,045 to Barzalai (hereinafter “the ‘045 patent”); and Claims 25-28 and 51-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘908, ‘051, and ‘014 patents, further in view of Anonymous (“Fresh Cargo Brand is Renamed”).

Applicant wishes to thank the Examiner for the interview granted Applicant’s representative on May 17, 2005, at which time a proposed amendment to Claim 1 was

discussed. In particular, the “virtual information” limitation was discussed. However, no agreement was reached pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Applicant respectfully submits that the objection under 35 U.S.C. §132 is rendered moot by the present amendment to the claims. The claims have been amended to no longer recite the “virtual information” limitation recited in the previous amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112 are rendered moot by the present amendment to the claims. The claims have been amended to no longer recite the “virtual information” limitation.

Amended Claim 1 is directed to a merchandise planning and development system, comprising: (1) a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise through the Internet; (2) a display unit for displaying the merchandise planning and development information received from the merchandise planning information notice unit through the Internet, the display unit further displaying an inquiry input screen for allowing the customers to input opinion information on the merchandise planning and development information, wherein the opinion information is inputted based on the displayed merchandise planning and development information prior to use of the new merchandise; (3) an opinion information collecting unit for collecting the opinion information of the customers inputted from the display unit through the Internet; and (4) a merchandise information notice unit for informing the customers of information on merchandise designed according to an analysis of the opinion information, through the

Internet. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. §103 is rendered moot by the present amendment to Claim 1.

Regarding the rejection of Claim 1 under 35 U.S.C. §103, the Office Action asserts that the '908 patent discloses everything in Claim 1 with the exception of information transmitted through the Internet, and relies on the '051 patent to remedy that deficiency.

The '908 patent is directed to a customer-based product design module configured to interact with customers, gather information from customers, communicate customer information securely to a vendor or an external third party, construct and transmit new preprogrammed interactions to the customer communication system in a product, and analyze and report customer information. In particular, as shown in Figure 2, the '908 patent discloses a system in which users of a product may provide feedback information to the product designers *while the users are using the product*.² However, Applicant respectfully submits that the '908 patent fails to disclose a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise through the Internet, wherein the opinion information is inputted based on the displayed merchandise planning and development information prior to use of the new merchandise, as recited in amended Claim 1. Rather, every embodiment of the '908 patent discloses that opinion information about a product, whether the product be a fax machine, a software program, or a website, is obtained after the user interacts with or actually uses the product. In contrast, amended Claim 1 recites a merchandise planning information notice unit for informing many

¹ See, e.g., Figs. 1 and 2 and the discussion related thereto in the specification.

² '908 patent, column 18, lines 23-24, and column 19, lines 28-30.

and unspecified customers of merchandise planning and development information relating to new merchandise, and a display unit for displaying an inquiry input screen for allowing the customers to input opinion information on the planning and development information, wherein the opinion information is inputted based on the display of merchandise planning and development information prior to use of the new merchandise.

The '051 patent is directed to a system configured to process information to identify product choices within a range of product choices for a user, based on user preferences. Thus, the '051 patent discloses a system that attempts to identify appropriate product choices for a user from a predetermined list of existing products. However, Applicant respectfully submits that the '051 patent fails to disclose a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise, and a display unit for displaying an inquiry input screen for allowing the customers to input opinion information on the planning and development information, wherein the opinion information is inputted based on the displayed merchandise planning and development information prior to use of the new merchandise.

Accordingly, no matter how the teachings of the '908 and '051 patents are combined, the combination does not teach or suggest a merchandise planning and development system in which the opinion information is inputted based on displayed merchandise planning and development information prior to use of the new merchandise, as recited in amended Claim 1. Accordingly, Applicant respectfully submits that amended Claim 1 (and dependent Claims 2-7) patentably define over any proper combination of the '908 and '051 patents).

Independent Claims 29, 30, and 55-57 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 29, 30, and 55-57 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above

for the patentability of Claim 1, Applicant respectfully submits that the rejection of Claims 29, 30, and 55-57 (and all similarly rejected dependent Claims) are rendered moot by the present amendment to the independent claims.

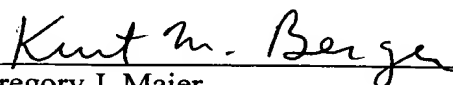
Regarding the rejection of dependent Claims 8-28 and 34-54 under 35 U.S.C. §103(a), Applicant respectfully submits that the '014 patent, the '045 patent, and the Palmer and Anonymous references fail to remedy the deficiencies of the '908 and '051 patents, as discussed above. Accordingly, Applicant respectfully submits that the rejections of dependent Claims 8-28 and 34-54 are rendered moot by the present amendment to independent Claims 1 and 30.

Thus, it is respectfully submitted that independent Claims 1, 29, 30, and 55-57 (and all associated dependent claims) patentably define over any proper combination of the '908 patent, the '051 patent, the '014 patent, the '045 patent, and the Palmer and Anonymous references.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)
KMB/rac

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